

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 24, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JACLYN MURPHY,

Plaintiff,

v.

AUTOMATED ACCOUNTS, INC.,

Defendants.

No. 2:20-cv-00030-SMJ

**ORDER DENYING MOTION TO
DISMISS AS MOOT**

Before the Court, without oral argument, is Defendant Automated Accounts, Inc.'s Motion to Dismiss, ECF No. 3. Defendant moves to dismiss the Complaint, ECF No. 1, under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). ECF No. 3. Plaintiff did not respond to the Motion to Dismiss but rather filed a First Amended Complaint. ECF No. 7. Having reviewed the motion and the file in this matter, the Court is fully informed and denies the Motion to Dismiss as moot.

Federal Rule of Civil Procedure 15 permits a party to amend its pleading, if the pleading is one to which a responsive pleading is required, once as a matter of course within twenty-one days of service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a)(1)(B). Here, Plaintiff filed a First Amended Complaint on May 14, 2020, twenty-one days after service of the Motion to Dismiss. *See* ECF Nos. 3, 7. Because

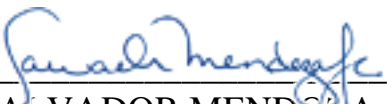
1 Plaintiff was entitled to amendment as a matter of course, the First Amended
2 Complaint is now the operative complaint and Defendant's Motion to Dismiss the
3 original Complaint is moot.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 Defendant's Motion to Dismiss, **ECF No. 3**, is **DENIED AS MOOT.**

6 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
7 provide copies to all counsel.

8 **DATED** this 24th day of June 2020.

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11 SALVADOR MENDOZA, JR.
12 United States District Judge
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